



**Minutes for Meeting of
Thursday, September 9, 2004**

Item-1: Call to Order

Chairwoman Dorothy Smith called the meeting to order at 5:05 p.m.

Item-2: Roll Call

Present – Chairwoman Dorothy Smith, Vice Chairwoman Dorothy Leonard, Commissioners Charles H. Dick, Jr., April Riel, Karen Thomas-Stefano, and Larry S. Westfall.

Staff – Executive Director Stacey Fulhorst, Deputy City Attorney Dave James, Legal Assistant Steve Ross, Senior Investigator Lauri Davis, Financial Investigator DeeDee Alari, and Executive Secretary Janet MacFarlane.

Excused – Commissioner Greg Vega.

Item-3: Reporting Results of Closed Session

Chairwoman Smith reported the results of the Closed Session meeting of August 26, 2004.

Item I: Conference with Legal Counsel (1 Potential Matter)

Case Nos. 2004-49 in re: Alleged Failure to Properly File Campaign Disclosure Statement

Motion: Initiate Investigation

Moved/Seconded: Leonard/Dick

Vote: Unanimous

Excused: Riel/Vega

Item 2: Conference with Legal Counsel (3 Potential Matters)

Case No. 2004-24 – In re: Alleged Failure to File Economic Disclosure Report

No reportable action.

Case No. 2004-31 – In re: Stephen Redfearn - Alleged Failure to File Financial Disclosure Report

Motion: Ordered a Probable Cause Hearing and authorized the issuance of a Probable Cause Report and Draft Administrative Complaint. Hearing scheduled for Wednesday, November 10, 2004, at 10:00 a.m.

Moved/Seconded: Stefano/Westfall

Vote: Unanimous

Excused: Smith/Riel

Case No. 2004-17 – In re: Alleged Misuse of City Position for Personal Benefit

No action.

Item-4: Approval of Commission Minutes

APPROVAL OF COMMISSION MINUTES OF AUGUST 26, 2004.

Motion: Approve

Moved/Seconded: Stefano/Dick

Vote: Unanimous

Excused: Vega

Item-5: Non-Agenda Public Comment

None.

Item-6: Commissioner Comment

Commissioner Dick said he was delighted to note that Commissioner Stefano was honored in San Diego Metropolitan Magazine as one of San Diego's young business leaders.

Commissioner Stefano announced that she had accepted a position with the firm of Wilson Sonsini Goodrich & Rosati, effective October 4, 2004.

Item-7: Executive Director Comment

Executive Director Fulhorst gave an overview of projects the Commission's staff currently has pending:

1. Nine pending investigations.
2. Three probable cause hearings have been scheduled.
3. Completion of first campaign audit of a candidate controlled committee. Audits of two ballot measure committees and lobbyist disclosure reports pending.
4. The Commission will be asked to form an ad hoc committee to review the Audit Manual.
5. Fact sheets on the three new ECCO provisions that will go into effect on October 7, 2004, will be prepared and distributed.
6. Anticipated training sessions with respect to the District 4 special election.
7. Development of an "Interested Persons" email list with respect to campaign financing issues.
8. Educational training session for unclassified employees scheduled for Friday, September 24, 2004.
9. Continued consultation with San Diego Data Processing Corporation in developing the online recertification training program.
10. Planned attendance at COGEL Conference being held in San Francisco in December 2004.
11. Consultation with Personnel Department on the procedures necessary to create the General Counsel position with the Ethics Commission.
12. At the request of Councilmember Frye, review of ECCO with respect to surplus funds and general election contributions.
13. Support to UCSD Panel on creation of a Political Process Management course.

Item-8: Deputy City Attorney Comment

None.

Item-9: Recent Amendments to the Election Campaign Control Ordinance

Executive Director Stacey Fulhorst presented draft Fact Sheets on three new provisions of ECCO that will be effective October 7, 2004.

Item-10: Adjournment to Closed Session

Chairwoman Dorothy Smith adjourned the meeting to Closed Session at approximately 5:30 p.m. She stated if the Commission took any action that must be reported pursuant to the Brown Act, the Commission would reconvene into Open Session to report on that action.

Reconvene to Open Session

The Commission reconvened to Open Session at approximately 7:25 p.m.

Chairwoman Smith reported the following:

The Commission ordered a Probable Cause Hearing and authorized the issuance of a Probable Cause Report and Draft Administrative Complaint in Case No. 2004-24 in regard to the alleged failure of Gregory Diethrich to timely file a Statement of Economic Interest. Hearing scheduled for November 10, 2004, at 3:00 p.m.

Adjournment

The meeting adjourned at approximately 7:30 p.m.

Dorothy L. W. Smith, Chairwoman
Ethics Commission

Janet MacFarlane, Executive Secretary
Ethics Commission

THIS INFORMATION WILL BE MADE AVAILABLE IN ALTERNATIVE FORMATS UPON REQUEST.